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SIPCO, LLC

12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**
14 **SOUTHERN DIVISION**

16 SIPCO, LLC, a Georgia limited liability
company,

17 Plaintiff,

18 v.

19 D-LINK SYSTEMS, INC., a California
20 corporation,

21 Defendant.

Case No. 8:20-cv-00595

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

1 Plaintiff SIPCO, LLC (“SIPCO” or “Plaintiff”), for its Complaint against D-
2 Link Systems, Inc. (“D-Link” or “Defendant”) alleges the following:

3 **I. NATURE OF THE ACTION**

4 1. This is an action for patent infringement of United States Patent Nos.
5 7,263,073 (the “’073 Patent”), 7,697,492 (the “’492 Patent”), 7,103,511 (the “’511
6 Patent”), 8,924,588 (the “’588 Patent”), 8,964,708 (the “’708 Patent”), 6,914,893 (the
7 “’893 Patent”) (collectively, the “Patents-in-Suit”), arising under the Patent Laws of
8 the United States, 35 U.S.C. § 1, *et seq.*, seeking damages and other relief under 35
9 U.S.C. § 281, *et seq.*

10 **II. THE PARTIES**

11 2. Plaintiff is a limited liability company organized and existing under the
12 laws of the State of Georgia with a principal office at 235 Peachtree Street NE, Suite
13 400, Atlanta, GA, 30303.

14 3. Upon information and belief, Defendant is a corporation organized under
15 the laws of California with a registered agent, Brett S. Adair, located at 17595 Mt.
16 Herrman St., Fountain Valley, CA 92708.

17 4. Upon information and belief, Defendant sells and offers to sell products
18 and services throughout the United States, including in this District, and introduces
19 products and services into the stream of commerce and that incorporate infringing
20 technology knowing that they would be sold in this District and elsewhere in the
21 United States.

22 5. Upon information and belief, Defendant conducts a significant,
23 persistent and regular amount of business in this District through product sales by its
24 distributors, customers, and resellers and through online marketing, and derives
25 substantial revenue from such business.

26 6. Upon information and belief, Defendant has a principal office, its United
27 States headquarters, in this District located at 17595 Mt. Herrman St., Fountain
28 Valley, CA 92708.

1 **III. JURISDICTION AND VENUE**

2 7. This is an action for patent infringement arising under the Patent Laws
3 of the United States, Title 35 of the United States Code.

4 8. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and
5 1338(a).

6 9. Venue is proper in this District under 28 U.S.C. § 1400(b) as the
7 Defendant is a California corporation.

8 10. Upon information and belief, this Court has personal jurisdiction over
9 Defendant because it is incorporated in California and has purposefully availed itself
10 of the privileges and benefits of the laws of the State of California. Further, Defendant
11 is subject to this Court’s general and specific personal jurisdiction because Defendant
12 has sufficient minimum contacts within the State of California, pursuant to due
13 process and/or the California Long Arm Statute, because Defendant purposefully
14 availed itself of the privileges of conducting business in the State of California, and
15 because Plaintiff’s causes of action arise directly from Defendant’s business contacts
16 and other activities in the State of California, including regularly doing or soliciting
17 business and deriving substantial revenue from products and services provided to
18 individuals in this District. Furthermore, Defendant’s United States headquarters is
19 located within this district. The exercise of jurisdiction over Defendant would not
20 offend traditional notions of fair play and substantial justice.

21 **IV. BACKGROUND**

22 11. SIPCO is a small research, development and technology company
23 originally based in Atlanta, Georgia. T. David Petite was its founding member.

24 12. In the 1990s, through his own individual research and development
25 efforts, Mr. Petite invented a large number of wireless control and distribution
26 technology applications. The inventions resulting from Mr. Petite’s efforts include,
27 but are not limited to, various ways of moving data as economically and seamlessly
28 as possible over both wired and wireless networks.

1 13. Through the 1990s and early 2000s investors contributed tens of millions
2 of dollars for technology development and implementation of networks. Clients
3 included Georgia Power, Alabama Power, Newnan Utilities GA, Johnson Controls,
4 Synovus Bank, and Grand Court Lifestyles residential living facilities.

5 14. After proving that the technology worked in the field, several companies
6 competed to purchase an exclusive license to Mr. Petite’s technology for the market
7 known as “smart grid.” Landis+Gyr (<http://www.landisgyr.com/>) (previously
8 Siemens Metering) took an exclusive license to the smart grid technology in 2002 and
9 in 2005 purchased rights to the technology for utility applications for \$30,000,000.
10 Mr. Petite’s technology has been deployed in millions of meters used across North
11 America and throughout the world.

12 15. SIPCO retained the rights to the mesh network patents, and for use of the
13 technology outside of the utility space. It still maintains ownership of the software,
14 firmware, hardware and patent portfolio that resulted from Mr. Petite’s research and
15 development efforts.

16 16. SIPCO’s patent portfolios (of which the patents in suit are a part) include
17 inventions that are widely recognized as pioneering in various fields of use. As a
18 result, more than 100 corporations have taken licenses to them. Licensees include
19 companies operating in the vertical markets of Industrial Controls, Lighting, Smart
20 Grid, Building Automation, Network Backhaul, Home Appliance, Home Automation
21 and Entertainment, Sensor Monitoring, and Internet Service Provisioning. Licensed
22 products include products using standard wireless mesh protocols such as ZigBee and
23 Z-Wave.

24 17. SIPCO is the exclusive owner of all rights, title, and interest in the
25 patents in suit, including the right to exclude others and to enforce, sue and recover
26 damages for past and future infringement thereof.

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COUNT I

INFRINGEMENT OF U.S. PATENT NO. 7,263,073

18. Plaintiff hereby restates the allegations contained in the preceding paragraphs above as if fully set forth herein.

19. On August 28, 2007, U.S. Patent No. 7,263,073, entitled “Systems and methods for enabling a mobile user to notify an automated monitoring system of an emergency situation,” was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ’073 Patent is attached as Exhibit 1. Related U.S. application data is set forth on the face of the patent.

20. Plaintiff is the assignee and owner of the right, title, and interest in and to the ’073 Patent, including the right to assert all causes of action arising under the ’073 Patent and the right to any remedies for infringement of the ’073 Patent.

21. Defendant has infringed and continues to infringe the ’073 Patent under 35 U.S.C. § 271, literally or under the doctrine of equivalents, by making, using, selling, and/or offering for sale in the United States, and/or importing into the United States, infringing products without authorization (hereafter “Infringing Instrumentalities”). At a minimum, Infringing Instrumentalities include the DCS-8330LH, DCH-B112, DCH-B122, and the DCH-B212 (collectively, the “D-Link Mesh Devices”), that operate pursuant to the ZigBee Wireless Protocols.

22. Defendant has been, and now is, directly and indirectly (through inducement and as a contributory infringer) infringing at least claim 1¹ of the ’073 Patent by making, using, selling, offering to sell, importing and/or providing and causing to be used the D-Link Mesh Devices which satisfy, literally or under the doctrine of equivalents, each and every claim limitation of claim 1 of the ’073 Patent.

¹ Plaintiff reserves the right to identify additional asserted claims and accused products as this litigation proceeds. For example, Plaintiff expressly reserves the right to identify additional asserted claims and accused products in its infringement contentions to be served during the discovery process.

1 The correspondence between the limitations of claim 1 of the '073 Patent and the D-
2 Link Mesh Devices is shown in the claim chart attached hereto as Exhibit 2. The
3 claim chart is incorporated by reference as if set forth herein. The citations to the
4 ZigBee Protocol in the claim chart are required for a product configured to operate
5 pursuant to the ZigBee Protocol. Additional details relating to the D-Link Mesh
6 Devices and their infringement are within the possession, custody or control of
7 Defendant.

8 23. Defendant provides users of the D-Link Mesh Devices with instructions
9 on how to operate within a ZigBee network and markets ZigBee connectivity in its
10 promotional materials for the D-Link Mesh Devices. In addition, Defendant provides
11 users with an application which serves as a central location to which mesh devices
12 may connect. To operate within a ZigBee network, the D-Link Mesh Devices need to
13 operate pursuant to the ZigBee Protocol and the required portions of the ZigBee
14 Protocol necessarily practice at least claim 1 of the '073 Patent.

15 24. On information and belief, any other of Defendant's wireless mesh end-
16 devices and controllers that operate pursuant to the ZigBee Protocol are also
17 Infringing Instrumentalities. Additional details relating to Infringing
18 Instrumentalities and their infringement are within the possession, custody or control
19 of Defendant.

20 25. Plaintiff offers this preliminary identification and description of
21 infringement without the benefit of discovery or claim construction in this action, and
22 expressly reserves the right to augment, supplement, and revise its identification and
23 description of infringement based on additional information obtained through
24 discovery or otherwise.

25 26. On information and belief, Defendant had knowledge of and became
26 aware of its infringement of the '073 Patent prior to the filing of this Complaint. By
27 way of example, prior to the filing of this Complaint, representatives for SIPCO
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1 contacted Defendant about the infringement of the '073 Patent dating back to July 5,
2 2018. *See* Notice Letter attached hereto as Exhibit 3 and incorporated by reference.

3 27. As reflected in Exhibit 2, Defendant's website further shows that
4 Defendant has tested and verified that the D-Link Mesh Devices work with the
5 ZigBee protocol and promotes the compatibility of thereof. In making these
6 instructions and materials available to customers and touting the benefits of
7 compatibility with the ZigBee Protocol, Defendant specifically intended to encourage
8 its customers to use the D-Link Mesh Devices in an infringing matter, knowing that
9 such use in accordance with its instructions and materials constituted infringement of
10 the '073 Patent. Defendant has thus induced and is inducing its customers to infringe
11 the '073 Patent.

12 28. On information and belief, Defendant acted with specific intent or with
13 willful blindness to induce its customers to practice the '073 Patent by continuing the
14 above-mentioned activities with knowledge of the '073 Patent.

15 29. Defendant had pre-suit knowledge that it was using the '073 Patent and
16 has knowingly made, used, offered to sell, sold, and/or imported into the United States
17 the Infringing Instrumentalities that infringed and continue to infringe the '073 Patent
18 under 35 U.S.C. § 271. Because Defendant did so with such knowledge of the '073
19 Patent, Defendant is liable for willful infringement.

20 30. Defendant's acts of infringement involving the '073 Patent have caused
21 damage to Plaintiff, and Plaintiff is entitled to recover from Defendant the damages
22 it has sustained as a result of Defendant's wrongful acts in an amount subject to proof
23 at trial.

24 **COUNT II**

25 **INFRINGEMENT OF U.S. PATENT NO. 7,697,492**

26 31. Plaintiff hereby restates the allegations contained in the preceding
27 paragraphs above as if fully set forth herein.

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1 32. On April 13, 2010, U.S. Patent No. 7,697,492, entitled “Systems and
2 methods for monitoring and controlling remote devices,” was duly and legally issued
3 by the United States Patent and Trademark Office. A true and correct copy of the
4 ’492 Patent is attached as Exhibit 4. Related U.S. application data is set forth on the
5 face of the patent.

6 33. Plaintiff is the assignee and owner of the right, title, and interest in and
7 to the ’492 Patent, including the right to assert all causes of action arising under the
8 ’492 Patent and the right to any remedies for infringement of the ’492 Patent.

9 34. Defendant has infringed and continues to infringe the ’492 Patent under
10 35 U.S.C. § 271, literally or under the doctrine of equivalents, by making, using,
11 selling, and/or offering for sale in the United States, and/or importing into the United
12 States Infringing Instrumentalities, which include, at a minimum, the D-Link Mesh
13 Devices.

14 35. Defendant has been, and now is, directly and indirectly (through
15 inducement and as a contributory infringer) infringing least claim 14² of the ’492
16 Patent by making, using, selling, offering to sell, importing and/or providing and
17 causing to be used the D-Link Mesh Devices which satisfy, literally or under the
18 doctrine of equivalents, each and every claim limitation of claim 14 of the ’492 Patent.
19 The correspondence between the limitations of claim 14 of the ’492 Patent and the D-
20 Link Mesh Devices is shown in the claim chart attached hereto as Exhibit 5. The
21 claim chart is incorporated by reference as if set forth herein. The citations to the
22 ZigBee Protocol in the claim chart are required for a product configured to operate
23 pursuant to the ZigBee Protocol. Additional details relating to the D-Link Mesh
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25 _____
26 ² Plaintiff reserves the right to identify additional asserted claims and accused
27 products as this litigation proceeds. For example, Plaintiff expressly reserves the right
28 to identify additional asserted claims and accused products in its infringement
contentions to be served during the discovery process.

1 Devices and their infringement are within the possession, custody or control of
2 Defendant.

3 36. Defendant provides users of the D-Link Mesh Devices with instructions
4 on how to operate within a ZigBee network and markets ZigBee connectivity in its
5 promotional materials for the D-Link Mesh Devices. In addition, Defendant provides
6 users with an application which serves as a central location to which mesh devices
7 may connect. To operate within a ZigBee network, the D-Link Mesh Devices need to
8 operate pursuant to the ZigBee Protocol and the required portions of the ZigBee
9 Protocol necessarily practice at least claim 14 of the '492 Patent.

10 37. On information and belief, any other of Defendant's wireless mesh end-
11 devices and controllers that operate pursuant to the ZigBee Protocol are also
12 Infringing Instrumentalities. Additional details relating to Infringing
13 Instrumentalities and their infringement are within the possession, custody or control
14 of Defendant.

15 38. Plaintiff offers this preliminary identification and description of
16 infringement without the benefit of discovery or claim construction in this action, and
17 expressly reserves the right to augment, supplement, and revise its identification and
18 description of infringement based on additional information obtained through
19 discovery or otherwise.

20 39. On information and belief, Defendant had knowledge of and became
21 aware of its infringement of the '492 Patent prior to the filing of this Complaint. By
22 way of example, prior to the filing of this Complaint, representatives for SIPCO
23 contacted Defendant about the infringement of the '492 Patent dating back to July 5,
24 2018. *See Ex. 3.*

25 40. As reflected in Exhibit 5, Defendant's website further shows that
26 Defendant has tested and verified that the D-Link Mesh Devices work with the
27 ZigBee protocol and promotes the compatibility of thereof. In making these
28 instructions and materials available to customers and touting the benefits of

1 compatibility with the ZigBee Protocol, Defendant specifically intended to encourage
2 its customers to use the D-Link Mesh Devices in an infringing matter, knowing that
3 such use in accordance with its instructions and materials constituted infringement of
4 the '492 Patent. Defendant has thus induced and is inducing its customers to infringe
5 the '492 Patent.

6 41. On information and belief, Defendant acted with specific intent or with
7 willful blindness to induce its customers to practice the '492 Patent by continuing the
8 above-mentioned activities with knowledge of the '492 Patent.

9 42. Defendant had pre-suit knowledge that it was using the '492 Patent and
10 has knowingly made, used, offered to sell, sold, and/or imported into the United States
11 the Infringing Instrumentalities that infringed and continue to infringe the '492 Patent
12 under 35 U.S.C. § 271. Because Defendant did so with such knowledge of the '492
13 Patent, Defendant is liable for willful infringement.

14 43. Defendant's acts of infringement involving the '492 Patent have caused
15 damage to Plaintiff, and Plaintiff is entitled to recover from Defendant the damages
16 it has sustained as a result of Defendant's wrongful acts in an amount subject to proof
17 at trial.

18 **COUNT III**

19 **INFRINGEMENT OF U.S. PATENT NO. 7,103,511**

20 44. Plaintiff hereby restates the allegations contained in the preceding
21 paragraphs above as if fully set forth herein.

22 45. On September 5, 2006, U.S. Patent No. 7,103,511, entitled "Wireless
23 communication networks for providing remote monitoring of devices," was duly and
24 legally issued by the United States Patent and Trademark Office. A true and correct
25 copy of the '511 Patent is attached as Exhibit 6. Related U.S. application data is set
26 forth on the face of the patent.

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1 46. Plaintiff is the assignee and owner of the right, title, and interest in and
2 to the '511 Patent, including the right to assert all causes of action arising under the
3 '511 Patent and the right to any remedies for infringement of the '511 Patent.

4 47. Defendant directly and indirectly infringed and continues to directly and
5 indirectly infringe at least claim 1³ of the '511 Patent by making, having had made,
6 using, offering for sale, and selling the D-Link Mesh Devices controlled through a
7 host computer (together, "D-Link ZigBee Network") along with the DCH-G021,
8 DCH-G022, DCH-Z112, DCH-Z122 controlled through a host computer (together,
9 "D-Link Z-Wave Network") (D-Link Z-Wave Network collectively with D-Link
10 ZigBee Network, "D-Link Mesh Networks") that operate pursuant to the Z-Wave
11 and/or ZigBee wireless mesh protocol.

12 48. Claim charts, attached as Exhibits 7 & 8, explains how Defendant
13 infringed, and is infringing, claim 1 of the '511 Patent.

14 49. Defendant has been, and now is, indirectly infringing as a contributory
15 infringer under 35 U.S.C. § 271 at least claim 1 of the '511 Patent by making, having
16 had made, using, offering for sale, and selling the D-Link Mesh Networks that operate
17 pursuant to the Z-Wave and/or ZigBee standard wireless mesh protocol, wherein the
18 products that operate pursuant to the Z-Wave and/or ZigBee standard wireless mesh
19 protocol are a component of a patented system, constituting a material part of the
20 invention, knowing the same to be especially made or especially adapted for use in
21 an infringement of such patent, and not a staple article or commodity of commerce
22 suitable for substantial non-infringing use.

23 50. On information and belief, Defendant had knowledge of and became
24 aware of its infringement of the '511 Patent prior to the filing of this Complaint. By
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26 ³ Plaintiff reserves the right to identify additional asserted claims and accused
27 products as this litigation proceeds. For example, Plaintiff expressly reserves the
28 right to identify additional asserted claims and accused products in its infringement
contentions to be served during the discovery process.

1 way of example, prior to the filing of this Complaint, representatives for SIPCO
2 contacted Defendant about the infringement of the '511 Patent dating back to July 5,
3 2018. *See Ex. 3.*

4 51. Defendant had pre-suit knowledge that it was using the '511 Patent and
5 has knowingly made, used, offered to sell, sold, and/or imported into the United States
6 the Infringing Instrumentalities that infringed and continue to infringe the '511 Patent
7 under 35 U.S.C. § 271. Because Defendant did so with such knowledge of the '511
8 Patent, Defendant is liable for willful infringement.

9 52. Defendant's acts of infringement have caused and continue to cause
10 damage to Plaintiff. Plaintiff is entitled to recover from Defendant the damages
11 sustained by Plaintiff as a result of Defendant's wrongful acts.

12 **COUNT IV**

13 **INFRINGEMENT OF U.S. PATENT NO. 8,924,588**

14 53. Plaintiff hereby restates the allegations contained in the preceding
15 paragraphs above as if fully set forth herein.

16 54. On December 30, 2014, U.S. Patent No. 8,924,588, entitled "Systems
17 and methods for controlling communication between a host computer and
18 communication devices," was duly and legally issued by the United States Patent and
19 Trademark Office. A true and correct copy of the '588 Patent is attached as Exhibit
20 9. Related U.S. application data is set forth on the face of the patent.

21 55. Plaintiff is the assignee and owner of the right, title, and interest in and
22 to the '588 Patent, including the right to assert all causes of action arising under the
23 '588 Patent and the right to any remedies for infringement of the '588 Patent.

24 56. Defendant has infringed and continues to infringe the '588 Patent under
25 35 U.S.C. § 271, literally or under the doctrine of equivalents, by making, using,
26 selling, and/or offering for sale in the United States, and/or importing into the United
27 States, Infringing Instrumentalities including, without limitation, the DCH-G021, and
28 DCH-G022 (the "D-Link Controllers").

1 57. Defendant directly infringed and continues to directly infringe at least
2 claim 1⁴ of the '588 Patent by making, using, selling, offering to sell, importing and/or
3 providing and causing to be used the D-Link Controllers which satisfy, literally or
4 under the doctrine of equivalents, each and every claim limitation of claim 1 of the
5 '588 Patent. The correspondence between the limitations of claim 1 of the '588 Patent
6 and the D-Link Controllers is shown in the claim chart attached hereto as Exhibit 10.
7 The claim chart is incorporated by reference as if set forth herein. The citations to the
8 Z-Wave Protocol in the claim chart are required for a product configured to operate
9 pursuant to the Z-Wave Protocol. Additional details relating to the D-Link
10 Controllers and their infringement are within the possession, custody or control of
11 Defendant.

12 58. Defendant provides users of the D-Link Controllers with instructions on
13 how to operate within a Z-Wave network and markets Z-Wave connectivity in its
14 promotional materials for the D-Link Controllers. To operate within a Z-Wave
15 network, the D-Link Controllers need to operate pursuant to the Z-Wave Protocol and
16 the required portions of the Z-Wave Protocol necessarily practice at least claim 1 of
17 the '588 Patent.

18 59. On information and belief, any other of Defendant's wireless mesh
19 controllers that operate pursuant to the Z-Wave Protocol are also Infringing
20 Instrumentalities. Additional details relating to Infringing Instrumentalities and their
21 infringement are within the possession, custody or control of Defendant.

22 60. On information and belief, Defendant had knowledge of and became
23 aware of its infringement of the '588 Patent prior to the filing of this Complaint. By
24 way of example, prior to the filing of this Complaint, representatives for SIPCO
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26 ⁴ Plaintiff reserves the right to identify additional asserted claims and accused
27 products as this litigation proceeds. For example, Plaintiff expressly reserves the
28 right to identify additional asserted claims and accused products in its infringement
contentions to be served during the discovery process.

1 contacted Defendant about the infringement of the '588 Patent dating back July 5,
2 2018. *See* Ex. 3.

3 61. As reflected in Exhibit 10, Defendant's website further shows that
4 Defendant has tested and verified that the D-Link Controllers work with Z-Wave
5 devices. In making these instructions and materials available to customers and touting
6 the benefits of compatibility with the Z-Wave Protocol, Defendant specifically
7 intended to encourage its customers to use the D-Link Controllers in an infringing
8 matter, knowing that such use in accordance with its instructions and materials
9 constituted infringement of the '588 Patent. Defendant has thus induced and is
10 inducing its customers to infringe the '588 Patent. On information and belief,
11 Defendant acted with specific intent or with willful blindness to induce its customers
12 to practice the '588 Patent by continuing the above-mentioned activities with
13 knowledge of the '588 Patent.

14 62. Defendant had pre-suit knowledge that it was using the '588 Patent and
15 has knowingly made, used, offered to sell, sold, and/or imported into the United States
16 the Infringing Instrumentalities that infringed and continue to infringe the '588 Patent
17 under 35 U.S.C. § 271. Because Defendant did so with such knowledge of the '588
18 Patent, Defendant is liable for willful infringement.

19 63. Defendant's acts of infringement involving the '588 Patent have caused
20 damage to Plaintiff, and Plaintiff is entitled to recover from Defendant the damages
21 it has sustained as a result of Defendant's wrongful acts in an amount subject to proof
22 at trial.

23 **COUNT V**

24 **INFRINGEMENT OF U.S. PATENT NO. 8,964,708**

25 64. Plaintiff hereby restates the allegations contained in the preceding
26 paragraphs above as if fully set forth herein.

27 65. On February 24, 2015, U.S. Patent No. 8,964,708, entitled "Systems and
28 methods for monitoring and controlling remote devices," was duly and legally issued

1 by the United States Patent and Trademark Office. A true and correct copy of the
2 '708 Patent is attached as Exhibit 11. Related U.S. application data is set forth on the
3 face of the patent.

4 66. Plaintiff is the assignee and owner of the right, title, and interest in and
5 to the '708 Patent, including the right to assert all causes of action arising under the
6 '708 Patent and the right to any remedies for infringement of the '708 Patent.

7 67. Defendant has infringed and continues to infringe the '708 Patent under
8 35 U.S.C. § 271, literally or under the doctrine of equivalents, by selling in the United
9 States the DCH-B112, DCH-B122, DCH-B212, DCH-Z112, and DCH-Z122 (“D-
10 Link End Devices”), which, when operated pursuant to the Zigbee and/or Z-Wave
11 Protocol and controlled through a host computer, can be used to perform the patented
12 method.

13 68. Defendant indirectly infringed and continues to indirectly infringe at
14 least claim 11⁵ of the '708 Patent by selling and causing to be used the D-Link End
15 Devices to perform every step of the patented method which satisfies, literally or
16 under the doctrine of equivalents, each and every claim limitation of claim 11 of the
17 '708 Patent. The correspondence between the limitations of claim 11 of the '708
18 Patent and the D-Link End Devices is shown in the claim charts attached hereto as
19 Exhibits 12 & 13. The claim charts are incorporated by reference as if set forth herein.
20 The citations to the ZigBee and Z-Wave Protocols in the claim charts are required for
21 a product configured to operate pursuant to the ZigBee and Z-Wave Protocols.
22 Additional details relating to the D-Link End Devices and their infringing
23 performance of every step of the patented method are within the possession, custody
24 or control of Defendant.

25 _____
26 ⁵ Plaintiff reserves the right to identify additional asserted claims and accused
27 products as this litigation proceeds. For example, Plaintiff expressly reserves the
28 right to identify additional asserted claims and accused products in its infringement
contentions to be served during the discovery process.

1 69. Defendant provides users of the D-Link End Devices with instructions
2 on how to operate within a ZigBee and/or Z-Wave network and markets ZigBee and
3 Z-Wave connectivity in its promotional materials for the D-Link End Devices. To
4 operate within a ZigBee and/or Z-Wave network, the D-Link End Devices operate
5 pursuant to the ZigBee and/or Z-Wave Protocols and the required portions of the
6 Protocols necessarily practice every step of at least claim 11 of the '708 Patent when
7 performed via the D-Link End Devices.

8 70. On information and belief, Defendant had knowledge of and became
9 aware of its infringement of the '708 Patent prior to the filing of this Complaint. By
10 way of example, prior to the filing of this Complaint, representatives for SIPCO
11 contacted Defendant about the infringement of the '708 Patent dating back to July 5,
12 2018. *See Ex. 3.*

13 71. As reflected in Exhibits 12 & 13, Defendant's website further shows that
14 Defendant has tested and verified that the D-Link End Devices work with ZigBee
15 and/or Z-Wave devices and controllers. In making these instructions and materials
16 available to customers and touting the benefits of compatibility with the ZigBee
17 and/or Z-Wave Protocols, Defendant specifically intended to encourage its customers
18 to use the D-Link End Devices in an infringing matter and perform every step of the
19 patented method, knowing that such use in accordance with its instructions and
20 materials constituted infringement of the '708 Patent. Defendant has thus induced
21 and is inducing its customers to infringe the '708 Patent.

22 72. On information and belief, Defendant acted with specific intent or with
23 willful blindness to induce its customers to practice the '708 Patent by continuing the
24 above-mentioned activities with knowledge of the '708 Patent.

25 73. Defendant had pre-suit knowledge that it induced others into performing
26 the patented method in the United States constituting infringement of the '708 Patent
27 under 35 U.S.C. § 271. Defendant further knew it contributed to the infringement of
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1 the '708 Patent. Because Defendant did so with such knowledge of the '708 Patent,
2 Defendant is liable for willful infringement.

3 74. Defendant's acts of infringement involving the '708 Patent have caused
4 damage to Plaintiff, and Plaintiff is entitled to recover from Defendant the damages
5 it has sustained as a result of Defendant's wrongful acts in an amount subject to proof
6 at trial.

7 **COUNT VI**

8 **INFRINGEMENT OF U.S. PATENT NO. 6,914,893**

9 75. Plaintiff hereby restates the allegations contained in the preceding
10 paragraphs above as if fully set forth herein.

11 76. On July 5, 2005, U.S. Patent No. 6,914,893, entitled "System and method
12 for monitoring and controlling remote devices," was duly and legally issued by the
13 United States Patent and Trademark Office. A true and correct copy of the '893 Patent
14 is attached as Exhibit 14. Related U.S. application data is set forth on the face of the
15 patent.

16 77. Plaintiff is the assignee and owner of the right, title, and interest in and
17 to the '893 Patent, including the right to assert all causes of action arising under the
18 '893 Patent and the right to any remedies for infringement of the '893 Patent.

19 78. Defendant directly and indirectly infringed and continues to directly and
20 indirectly infringe at least claim 1⁶ of the '893 Patent by making, having had made,
21 using, offering for sale, and selling the D-Link ZigBee Network that operate pursuant
22 to the ZigBee wireless mesh protocol.

23 79. A claim chart, attached as Exhibit 15, explains how Defendant infringed,
24 and is infringing, claim 1 of the '893 Patent.

25

26 ⁶ Plaintiff reserves the right to identify additional asserted claims and accused
27 products as this litigation proceeds. For example, Plaintiff expressly reserves the
28 right to identify additional asserted claims and accused products in its infringement
contentions to be served during the discovery process.

1 b) Awarding damages arising out of Defendant’s infringement of the ’073,
2 ’492, ’511, ’588, ’708, and ’893 Patents to SIPCO, together with prejudgment and
3 post-judgment interest, in an amount according to proof.

4 c) Awarding attorneys’ fees to SIPCO pursuant to 35 U.S.C. § 285 or as
5 otherwise permitted by law.

6 d) Awarding such other costs and further relief as the Court may deem just
7 and proper.

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Dated: March 25, 2020

ONE LLP

By: /s/ Deepali A. Brahmbhatt
Deepali A. Brahmbhatt

THE HARBOR LAW GROUP

Catherine I. Rajwani
Herling Romero
(*Pro Hac Vice* Forthcoming)

Attorneys for Plaintiff,
SIPCO, LLC

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DEMAND FOR JURY TRIAL

Plaintiff requests a jury trial of all issues in this action so triable.

Dated: March 25, 2020

ONE LLP

By: /s/ Deepali A. Brahmbhatt
Deepali A. Brahmbhatt

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